VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 154 OF 2007

Maruti B. Jadhav . . . Applicant

Vs.

The State of Maharashtra . . . Respondent

Mr. Milind Deshmukh, Advocate for the applicant.

Ms. R. M. Gadhavi, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 9, 2007.

P.C.

. Heard Mr. Milind Deshmukh, learned counsel for the applicant and Ms. R. M. Gadhavi, learned APP for the State. Perused police papers.

2. The applicant seeks to be released on bail in Crime No. 58 of 2006 registered at Baramati City Police Station for the offences punishable under S. 302, 323 read with S. 34 of I.P.Code.

3. The offence was initially registered under S. 307 of I.P.Code on the complaint of deceased Balu Mahadeo Mane himself. The FIR

reveals that on 18-4-2006 at about 9 p.m. he had been to the brick kiln of accused. Applicant No.1 Maruti had asked him as to why he was creating obstacles in his own marriage. Exhcnage of hot words took place between them. However, applicant Maruti told him that they would see the matter next day. After that talk, both of them went to their houses. At about 9.30 p.m. when Balu was present at his house, accused no.1 and his son accused no.2 Anil alongwith one Khandu Ramrao Jadhav went in front of the house of Balu and asked him as to why he had come to bricks kiln and threatened him. At the same time, accused no.2 Anil stabbed on the abdomen, head, back and left hand Meanwhile applicant no.1 and Khandu Jadhav caught Balu and gave kicks and fist blows and abused him. After the incident, injured Balu was taken to the hospital where his report was recorded. He was discharged from the hospital on 22-4-2006, but was admitted again on 24-4-2006. As per the post mortem report, he had died because of peritoneous followed by abdominal stab injury. There are number of witnesses of the incident.

4. If the facts of the case are taken into consideration, it appears that accused no.2 Anil alone stabbed Balu with knife. Applicant no.1 Maruti had only given fist and kick blows to him. Taking into consideration the role played by the applicant no.2 Anil, resulting into death of Balu, I find that it is not desirable to grant bail to him. However, the case against accused no.1 Maruti stands on different footing and he deserves to be granted bail.

5. Applicant no.1 Maruti be released on his execution P.R. bond of Rs. 10,000/- with one surety in like amount, on condition that he shall not tamper with the prosecution evidence and shall not misuse the bail.

6. Application to the extent of applicant no.2 Anil only stands rejected.

Sd/-
[J. H. BHATIA, J.]